

REMARKS:

The claims in the application remain 1-16.

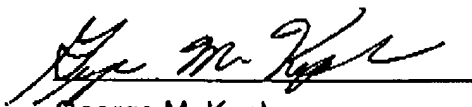
The Preliminary Amendment filed July 14, 2006 simply requested substitution in the above-identified application, of the annex to the International Preliminary Examination Report for Claims 1-5. As stated in M.P.E.P. § 1893.01(a)(3), when filing a national phase application (as in the present instance), these annexes are simply substituted for the respective initial sheets without further revision. M.P.E.P. § 1893.01(a)(3) reads, in pertinent part, as follows:

Amendments to the international application that were properly made under PCT Article 1.34 during the international preliminary examination phase (i.e., Chapter II) will be annexed by the International Preliminary Examining Authority to the international preliminary examination report (IPER) and communicated to the elected Offices. . . If these annexes are in English, they will normally be entered into the U.S. national stage application by the Office absent a clear instruction by the applicant that the annexes are not to be entered [emphasis added].

In the present instance, Applicants have explicitly instructed the annexes should be entered. Accordingly, there is no need to provide a complete listing of claims and status identifier for each claim (as set forth in boxes 4.A. and 4.C. of the Notice of Non-Compliant Amendment), because the above-identified application has been filed as a national phase application in accordance with M.P.E.P. § 1893.01(a)(3).

A copy of the Notice of Non-Compliant Amendment is also attached.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George M. Kaplan", is written over a horizontal line.

George M. Kaplan

Reg. No. 28,375

Attorney for Applicant(s)

DILWORTH & BARRESE LLP.

333 Earle Ovington Blvd.

Uniondale, NY 11553

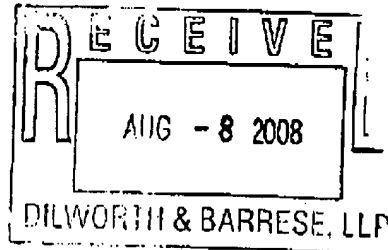
(516) 228-8484



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

28249 e 08/06/2008
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
SUITE 702
UNIONDALE, NY 11553



Paper No.

Application No.:	10/586,460	Date Mailed:	08/06/2008
First Named Inventor:	Hancock, Nigel, Harold	Examiner:	,
Attorney Docket No.:	1278-17	Art Unit:	2858
Confirmation No.:	7370	Filing Date:	07/14/2006

Please find attached an Office communication concerning this application or proceeding.

DOCKET

PAPER

DUE DATE

ATTORNEY

Correct Amd.
9/6
[Signature]

Commissioner for Patents

PTO-90c (Rev.08-06)

**Notice of Non-Compliant Amendment
(37 CFR 1.121)**Application No.
10/586,460Applicant(s)
HANCOCK ET AL.Art Unit
2800

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 14 July, 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet, 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**RECEIVED
CENTRAL FAX CENTER****SEP 05 2008****TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /TRACEY BELL/Telephone No: (571)272-7403